

By: Longoria

H.B. No. 468

A BILL TO BE ENTITLED

AN ACT

relating to a restriction on certain accommodations in accessible hotel and motel guest rooms; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 769 to read as follows:

CHAPTER 769. ACCOMMODATIONS IN ACCESSIBLE HOTEL AND MOTEL GUEST ROOMS

Sec. 769.001. RESTRICTION ON CERTAIN ACCOMMODATIONS. An owner or operator of a hotel or motel may not offer for rent in this state a room in the owner's or operator's hotel or motel that is designated as an accessible guest room in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.) unless:

(1) the height of each bed in the room is between 19.5 and 23 inches, measured from the floor to the top surface of the mattress; and

(2) each bed in the room has at least nine inches of clearance beneath the bed between the floor and bottom surface of the bed frame.

Sec. 769.002. CIVIL PENALTY. (a) A person who violates this chapter is subject to a civil penalty of:

(1) not less than \$500 or more than \$3,000 for the first violation;

1           (2) not less than \$1,500 or more than \$4,000 for the  
2 second violation;

3           (3) not less than \$2,500 or more than \$5,000 for the  
4 third violation; and

5           (4) \$5,000 for each subsequent violation.

6           (b) Each day the violation continues or occurs constitutes a  
7 separate violation for the purposes of assessing a civil penalty  
8 under this section.

9           (c) In determining the amount of the civil penalty, the  
10 court hearing the matter shall consider:

11           (1) the person's history of previous violations;

12           (2) the seriousness of the violation;

13           (3) the amount necessary to deter future violations;

14           (4) the demonstrated good faith of the person charged;

15 and

16           (5) any other matter as justice may require.

17           (d) The attorney general or the appropriate district or  
18 county attorney, in the name of the state, may bring an action under  
19 this section in a district court of Travis County or of a county in  
20 which the violation occurs.

21           (e) A civil penalty recovered in a suit instituted by a  
22 local government under this chapter shall be paid to the local  
23 government.

24           (f) The attorney general or the appropriate district or  
25 county attorney may recover reasonable expenses, including  
26 investigative costs, reasonable attorney's fees, witness fees, and  
27 deposition expenses, incurred in obtaining a civil penalty under

1 this section.

2 SECTION 2. This Act takes effect September 1, 2017.